



Louisiana Public Service Commission

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General Counsel

MAY 21 1996
FCC MAIL ROOM

May 20, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

**In Re: Comments - Local Competition Provisions in the
Telecommunications Act of 1996.
FCC 96-182, CC Docket No. 96-98**

DOCKET FILE COPY ORIGINAL

Dear Sir:

Enclosed is an original and eleven copies of comments being submitted by the Louisiana Public Service Commission on the above docketed case. As requested, we are sending a copy of these comments to Ms. Janice Myles of the Common Carrier Bureau and the International Transcription Services, Inc.

I would appreciate these comments being filed with your Commission.

Sincerely yours,

Gayle T. Kellner,
Senior Staff Attorney

GTK/JSB:tlq

Enclosures

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

)

FCC 96-182

)

**Implementation of Local Competition
Provisions in the Telecommunications Act
of 1996**

)

CC Docket No. 96-98

)

)

**COMMENTS OF THE
LOUISIANA PUBLIC SERVICE COMMISSION**

SUMMARY

DIALING PARITY

Establishing uniform federal standards for dialing parity would be inefficient and counterproductive for states which have already implemented a system to accomplish equal access. However, other states could use Louisiana's regulations as a guide for implementing Dialing parity through Presubscription. Louisiana's Regulations for IntraLATA 1+/0+ Equal Access Presubscription provide a mechanism for implementation, notification and cost recovery.

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In the Matter of)	FCC 96-182
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**COMMENTS OF THE
LOUISIANA PUBLIC SERVICE COMMISSION**

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	FCC 96-182
)	
Implementation of Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
of 1996)	

**COMMENTS OF THE
LOUISIANA PUBLIC SERVICE COMMISSION**

I. INTRODUCTION

The Louisiana Public Service Commission ("LPSC") hereby submits the following comments in response to the Federal Communications Commission ("FCC") Notice of Proposed Rulemaking ("NPRM") in the above captioned case issued on April 19, 1996.¹ This NPRM was issued in order to implement the local competition provision of the Telecommunications Act of 1996.² These comments are intended to address the issue of dialing parity. A diligent effort has been undertaken in presenting these comments to be brief and concise. If additional information is needed regarding any area discussed, the LPSC is willing to furnish the information to any and all parties concerned.

¹*In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Notice of Proposed Rulemaking, FCC 96-182 (Adopted April 19, 1996 and Released April 19, 1996).

²Telecommunications Act of 1996, Pub.L.No.104-104, 110 Stat. 56 (1996) (to be codified at 47 U.S.C. 151 et Seq.). Hereinafter, the provision of the 1996 Act will be referred to using the section at which they will be codified.

II. DIALING PARITY

In May, 1989, LPSC Docket U-17949, Subdocket B was established to consider, among other issues, the issue of IntraLATA competition. At that time, it was noted that a limited amount of IntraLATA competition had already been found to be in the public interest and authorized by the LPSC.³ Additionally, the interexchange carriers had previously been granted authority through a series of other dockets to carry "incidental" IntraLATA traffic on an interim basis.⁴

After a series of hearings⁵, the following findings were made:⁶

1. Expansion of IntraLATA competition is in the public interest and will likely provide benefits to ratepayers.⁷
2. A 40-mile seven(7) digit local calling area be established under certain guidelines.⁸
3. Implementation of 1+/0+ intraLATA full(presubscription) competition should not be ordered at this time because of the non-availability of information to gauge its impact on the local exchange companies and because technical and network difficulties exist which prevent the implementation of full scale 1+/0+ IntraLATA

³Louisiana Public Service Commission Order U-17949-N, October 18, 1991, page 4.

⁴Id. at page 5.

⁵Hearing in Docket U-17949, Subdocket B were held on December 10-11, 1990 and May 7-10, July 9-12, and July 22-24, 1991.

⁶The Findings were adopted and ordered by the Commission in Order U-17949-N, October 18, 1991.

⁷Louisiana Public Service Commission Order U-17949-N, October 18, 1991.

⁸The guidelines for the adoption of the 40-mile seven(7) digit calling area are set forth on page 35, Louisiana Public Service Commission Order U-17949-N, October 18, 1991. Additionally, see page 50.

competition. However, the impact of increased competition authorized by this Order will be reviewed and the Commission may authorize full intraLATA competition in the future.⁹

4. IntraLATA competition should be allowed on a 10XXX basis.¹⁰

5. It is appropriate to permit COCOTs to complete IntraLATA "0" calls without the use of a live operator.¹¹

Since the completion of Docket U-17949, Subdocket B, competition has expanded in all segments of the telecommunications market. Due to the development of competition, the LPSC opened Docket U-17949, Subdocket F to revisit the issue of whether 1+/0+ IntraLATA presubscription¹² should be authorized by the LPSC.

Based upon the benefits to be realized by all telecommunications users in being able to select the carrier of their choice and with the development and availability of technology to implement 1+/0+ IntraLATA Presubscription, the LPSC established regulations for the implementation of 1+/0+ IntraLATA Presubscription.

The LPSC determined first that these regulations should apply to all telecommunications service providers ("TSPs") that are subject to the jurisdiction of the LPSC.¹³ Additionally, the LPSC determined that the further expansion of competition in the intraLATA telecommunications

⁹Louisiana Public Service Commission Order 17949-N, October 18, 1991, pages 36-38.

¹⁰Id. At pages 38 and 39

¹¹Id. At pages 49 and 50

¹²Referred to as "full" IntraLATA competition in Louisiana Public Service Commission Order 17949-N, October 18, 1991, at pages 36-38.

¹³Louisiana Public Service Commission, General Order dated April 25, 1996, section 101, (see Exhibit 1).

market in Louisiana was in the public interest.¹⁴ Therefore, each local exchange carrier (“LEC”) was required to provide IntraLATA equal access and Presubscription for IntraLATA interexchange telecommunications services.

Due to section 271(e)(2) of the Act precluding IntraLATA toll competition in a Bell Operating Company (BOC) service area prior to its entry in the InterLATA market or 3 years from the date of enactment of the Telecommunications Act of 1996¹⁵, the LPSC developed separate rules for the conversion for all Incumbent Local Exchange Companies, hereinafter referred to as “ILECs”, other than the Bell Operating Company. However, LPSC regulations require that all LECs are required to file within 60 days of the effective date of these Regulations, a list of their exchange offices by exchange. For each office, the LEC is required to provide information regarding:

- 1) the manufacturer, model, software generis in use installation date, and any anticipated replacement dates for switch(es) installed at each exchange office;
- 2) a detailed analysis of whether the switch(es) can accommodate 2-PIC software, including the factual basis for such position; and
- 3) if the switch can not accommodate 2-PIC software, a detailed analysis of whether the switch(es) can accommodate modified 2-PIC software, including the factual basis for such a position.¹⁶

All ILECs, other than the Bell Operating Company, shall within 90 days of the effective date of these Regulations file with the LPSC a schedule for implementing the 2-PIC system at

¹⁴Id. at section 201.

¹⁵Telecommunications Act of 1996, Pub.L. No. 104-104, 110 State. 56 (1996) (to be codified at 47 U.S.C. 151 et Seq.). Hereinafter, the provision of the 1996 Act will be referred to using the section at which they will be codified. Section 271(e).

¹⁶LPSC General Order dated April 25, 1996, Section 501(A).

each of their exchange offices capable of accommodating 2-PIC. 50% of such offices must be converted to 2-PIC Presubscription within 12 months of the effective date of these regulations. Within 18 months of the effective date of these regulations, 90% of the exchange offices must be converted to 2-PIC Presubscription. All exchanges capable of accommodating 2-PIC at the effective date of these regulations shall be converted within 24 months of the effective date of these Regulations.¹⁷

Those switches not capable of 2-PIC Presubscription shall convert to Limited 2-PIC within 24 months of the effective date of this order.¹⁸ Those switches not capable of accommodating 2-PIC or limited 2-PIC shall propose a schedule for replacing the switches at each substation to switches compatible with 2-PIC software. All switches shall be replaced prior to December 31, 1998.¹⁹ Additionally, all facilities based Competitive Local Exchange Carriers shall implement the 2-PIC system within 90 days of certification as a Telecommunications Services Provider.²⁰

The LPSC also deemed it appropriate to incorporate the standards set out in the Telecommunications Act of 1996 into the mechanism for suspension and modification. In Section 601, a LEC with less than 2% of the Nation's subscriber lines installed in the aggregate nationwide may petition the LPSC for a suspension or modification of a request of requests of the obligations to provide dialing parity through 2-PIC intraLATA Presubscription. The LPSC, after a hearing, may grant a suspension or modification for such duration as the LPSC determine that such suspension or

¹⁷Id. at Section 501(C)(1).

¹⁸Id. at Section 501(C)(2).

¹⁹Id. at Section 501(C)(3).

²⁰Id. At Section 501(D).

modification:

- (A) is necessary-
 - (1) to avoid a significant economic impact on users of telecommunications services generally;
 - (2) to avoid imposing a requirement that is unduly economically burdensome;
 - or
 - (3) to avoid imposing a requirement that is technically infeasible;
 - and
- (B) is consistent with the public interest, convenience, and necessity.²¹

The LPSC is required by its own regulations to act upon any such petition within 180 days after receiving such a petition. Pending such action, the LPSC may suspend the enforcement of a requirement or requirements to which the petition applies with respect to the petitioning carriers or carriers.²² To date three such petitions have been received by the LPSC.

A mechanism for cost recovery is vital to the conversion of switches in Louisiana to accommodate 2-PIC Presubscription. According to the LPSC General Order dated April 25, 1996, each ILEC shall recover reasonable separated intrastate costs limited to initial incremental Presubscription costs and initial incremental expenditures for hardware and software related directly to the provisioning of intraLATA equal access that would not be required absent the implementation of Presubscription consistent with this Order.²³ Cost recovery is also allowed for reasonable administrative costs caused solely by implementation of this General Order. However, all such cost recovery is subject to LPSC approval.²⁴

²¹Id. at Section 601.

²²Id.

²³Id. at Section 801(A).

²⁴Id.

Such costs occasioned solely by implementation of these Regulations shall be recovered by each incurring ILEC on a LPSC-approved switch access per minute of use charge applied to all originating switched access minutes generated on all lines presubscribed for intraLATA toll service. This charge shall be determined by the costs incurred by each ILEC for the conversion.²⁵ Each ILEC incurring costs shall amortize all separate intrastate Presubscription costs over a four year period.²⁶ Each company recovering costs must submit to the LPSC an annual report documenting costs incurred and recovered to date.²⁷ A “true up” will follow the four year amortization. The ILECs which have over recovered shall refund the overcharge and interest based on the judicial interest rate plus 2% to existing customers over a 12 month period. Those ILECs which have under recovered may petition the LPSC to extend their recovery period. After a hearing, the LPSC shall determine the validity of such a petition.²⁸

The Louisiana model for implementing dialing parity can serve as a guide for other states facing the same task of implementing dialing parity. Presubscription gives customers choices in selecting different carriers for local, interLATA and intraLATA calling. However, imposing national standards on states which have already implemented their own scheme would be inefficient and counterproductive to the efforts of insuring all customers have dialing parity.

Based on the above, this comment is being submitted.

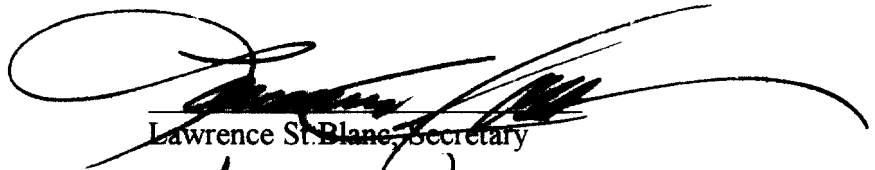
²⁵Id. at Section 801(B).

²⁶Id. at Section 801(C).

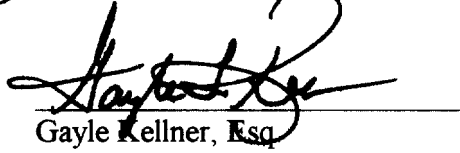
²⁷Id. at Section 801(D).

²⁸Id.

Respectfully submitted,

A large, stylized handwritten signature in black ink, featuring a prominent loop at the beginning and a long, sweeping flourish extending to the right.

Lawrence St. Blane, Secretary

A handwritten signature in black ink, appearing to read 'Gayle Kellner', with a horizontal line drawn underneath the signature.

Gayle Kellner, Esq.

LOUISIANA PUBLIC SERVICE COMMISSION

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LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

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MAY 21 1996

In re: Regulations for 1+/0+ IntraLATA Equal Access Presubscription

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In May of 1989, Commission Docket U-17949, Subdocket B was established to consider, among other issues, the issue of IntraLATA competition. At that time, it was noted that a limited amount of IntraLATA competition had already been found to be in the public interest and authorized by the Commission.¹ Additionally, the interexchange carriers had previously been granted authority through a series of other dockets to carry "incidental" IntraLATA traffic on an interim basis.²

After a series of hearings³, the following findings were made:⁴

1. Expansion of IntraLATA competition is in the public interest and will likely provide benefits to ratepayers.⁵
2. A 40-mile seven(7) digit local calling area be established under certain guidelines.⁶
3. Implementation of 1+/0+ intraLATA full(presubscription) competition should not be ordered at this time because of the non-availability of information to gauge its impact on the local exchange companies and because technical and network difficulties exist which prevent the implementation of full scale 1+/0+ IntraLATA competition. However, the impact of increased competition authorized by this Order will be reviewed and the Commission may authorize full intraLATA competition in the future.⁷
4. IntraLATA competition should be allowed on a 10XXX basis.⁸
5. It is appropriate to permit COCOTs to complete IntraLATA "0" calls without the use of a live operator.⁹

Since the completion of Docket U-17949, Subdocket B, competition has expanded in all segments of the telecommunications market. Additionally, technology has progressed to the point where a 2-PIC

¹Louisiana Public Service Commission Order U-17949-N, dated October 18, 1991, Louisiana Public Service Commission, *Ex Parte*, Docket No. U-17949-B (Subdocket B), *In Re: Investigation of the revenue requirements, rate structures, charges, services, rate of return and construction program of South Central Bell Telephone Company in its Louisiana intrastate operation, the appropriate level of access charges, and all matters relevant to the rates and services rendered by the company*, page 4. (LPSC Order U-17949-N).

²*Id.* at page 5.

³Hearing in Docket U-17949, Subdocket B were held on December 10-11, 1990 and May 7-10, July 9-12, and July 22-24, 1991.

⁴The Findings were adopted and ordered by the Commission in LPSC Order U-17949-N, October 18, 1991.

⁵LPSC Order U-17949-N.

⁶The guidelines for the adoption of the 40-mile seven(7) digit calling area are set forth on page 35. LPSC Order U-17949-N. Additionally, see page 50.

⁷LPSC Order 17949-N at pages 36-38.

⁸*Id.* at pages 38 and 39.

⁹*Id.* at pages 49 and 50.

presubscription system is available and feasible in all exchanges.

In light of these technological developments and the demand for increased competition, the General Counsel of the Louisiana Public Service Commission in May of 1995, issued a memorandum instructing that it was appropriate that a docket on IntraLATA presubscription be opened. Notice of the opening of such a docket, Docket U-17949, Subdocket F, *In re: An Investigation Into Whether IntraLATA 1 +/0 + Equal Access Presubscription Is In the Public Interest*, was published in the Commission's Official Bulletin, No. 568 dated June 2, 1995.

The following parties filed formal interventions in this docket: Sprint Communications Company L.P. (Sprint), the Small Company Committee of the Louisiana Telephone Association (excluding Kaplan Telephone Co.) (SCC), MCI Telecommunications Corporation (MCI), East Ascension Telephone Company, Inc. (EATEL), AT&T Communications of the South Central States, Inc. (AT&T), Reserve Telephone Co. (Reserve), BellSouth Telecommunications (BST), LDDSMetromedia Communications, Inc. (LDDS), and Oncor Communication, Inc. (Oncor). The following parties filed as interested parties: Telecommunications Resellers Association (TRA), State of Louisiana Office of Telecommunications Management (OTM) and Technologies Management.

On August 14, 1995, a status conference was held, and a procedural schedule promulgated establishing the following deadlines:

September 1, 1995.....	deadline for propounding discovery requests.
September 15, 1995.....	deadline for responding to discovery requests.
September 29, 1995.....	Staff release of proposed order, and submission of any reports from expert witnesses, witness and exhibit lists, and glossary of pertinent terms and acronyms which will be used at the hearing.
October 6, 1995.....	Requests for issuance of subpoenas to witnesses.
October 23, 1995.....	Intervening parties to file comments to Staff's Proposed Order, expert witness reports, witness and exhibit lists, and glossary of pertinent terms and acronyms which will be used at hearing.
October 26, 27 & 30, 1995.....	Hearings.

This procedural schedule was extended by the Administrative Law Judge to reflect the following:

September 8, 1995.....	deadline for propounding discovery requests.
September 22, 1995.....	deadline for responding to discovery requests.

A further amendment to the procedural scheduled was made by the Administrative Law Judge on September 19, 1995 establishing the following deadlines:

October 6, 1995.....	Staff release of proposed order, and submission of any reports from expert witnesses, witness and exhibit lists, and glossary of pertinent terms and acronyms which will be used at the hearing.
October 13, 1995.....	Requests for subpoenas to require the attendance of a witness.

On October 5, 1995, BellSouth Telecommunications, Inc. filed a Motion to Stay Proceeding, Memorandum in Support, Motions to Compel Responses to Data Requests, and Memoranda in Support of the Motions to Compel. The procedural schedule previously established and as amended was stayed pending resolution of these motions.¹⁰ All parties objecting to BellSouth's discovery requests were instructed to file briefs in support of their objections on or before October 13, 1995.¹¹ All other parties were instructed to submit briefs regarding their objections to BellSouth's data requests on or before October 20, 1995.¹² A

¹⁰Notice of Stay of Procedural Schedule and Scheduling of Status Conference/Hearing dated October 6, 1995, Valerie Seal Meiners, Chief Administrative Law Judge.

¹¹Id.

¹²Id.

Status conference was scheduled for October 26, 1995.¹³

On October 24, 1995 at the Commission's Open Session, the Commission found that Rule 56 and the adjudicative provision of Part XI of the Rules of Practice and Procedure¹⁴ are inapplicable to rulemaking proceedings.¹⁵ Consequently, on October 24, 1995, all previously established procedural schedules in this docket were vacated and the following procedural schedule adopted:

November 3, 1995.....	Staff Issuance of Proposed Regulation
December 4, 1995.....	Comments Due.
December 19, 1995.....	Reply Comments Due.

On November 1, 1995, BST filed an Objection to the Revised Procedural Schedule and Motion for Stay of the Proceedings. At the Commission's November 28, 1995 Business and Executive Session, on the motion of Commissioner Owen, seconded by Commissioner Sittig, and unanimously adopted, the Commission voted to accept the Staff's recommendation to deny and dismiss BST's Objection to the Revised Procedural Schedule.

The proposed regulations were released by Staff on November 3, 1995. Comments were filed by the SCC, BST, MCI, AT&T and Sprint. Reply Comments were filed by the SCC, BST, MCI and AT&T. After reviewing the data previously submitted in the docket and all of the comments and reply comments, staff released the *Second Revised Proposed Regulations* during the first week of January, 1996. Additional revisions were made shortly thereafter, and the *Final Proposed Regulations* were released on January 18, 1996.

The *Final Proposed Regulations* were placed on the January 23, 1996 Business and Executive Session agenda. After a brief presentation, the Commission voted to postpone this item until the March Business and Executive Session. Various Commissioners suggested that a public hearing be held so that public and all parties could have an opportunity to be heard and the Commissioners would have an opportunity to ask questions. A Public Hearing was held on February 12, 1996 at which time all parties were given the opportunity to participate.

At the March 5, 1996 Business and Executive Session, consideration of the Final Proposed Regulations was deferred. Additional revisions were made to the *Final Proposed Regulations* which Regulations then became known as the *Substitute Final Proposed Regulations* after consideration of the comments presented at the Public Hearing and additional input provided by the various parties. Furthermore, several revisions were incorporated for the sole purpose of providing consistency between the *Regulations* and the Telecommunications Act of 1996.¹⁶ These were made available to all parties on April 10, 1996 and incorporated comments and amendments proposed by intervenors, Staff and Commissioners.

At the Commission's April 17, 1996 Business and Executive Session, on motion of Commissioner Owen, seconded by Commissioner Brupbacher, with Commissioners Sittig and Schwegmann concurring, and Commissioner Dixon abstaining the Commission voted to accept Staff's recommendation to adopt the *Substitute Final Proposed Regulations*.

IT IS THEREFORE ORDERED THAT:

1. The *Substitute Final Proposed Regulations* in Docket U-17949, Subdocket F, *In Re: An Investigation Into Whether IntraLATA 1+/0+ Equal Access Presubscription is in the Public Interest* attached hereto and made a part hereof, are hereby adopted.

¹³Id.

¹⁴*Rules of Practices and Procedures of the Louisiana Public Service Commission*, effective July 1, 1976, as amended by General Orders dated November 6, 1989, August 31, 1992, March 17, 1993 and July 25, 1995.

¹⁵Order U-20883, Louisiana Public Service Commission, ex parte. *In re: The Development of Rules and Regulations Applicable to the Entry and Operations of, and the Providing of Service by, Competitive and Alternate Access Providers in the Local, Intrastate and/or Interexchange Telecommunications Market in Louisiana*, dated October 27, 1995.

¹⁶Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), amending the Communications Act of 1934, 47 U.S.C. 151 et seq., and 18 U.S.C. 1462.

2. The *Substitute Final Proposed Regulations* in Docket U-17949, Subdocket F, *In Re: An Investigation Into Whether IntraLATA 1+/0+ Equal Access Presubscription is in the Public Interest* shall be redesignated and known from this time forward as the *Regulations for IntraLATA 1+/0+ Equal Access Presubscription*.

3. All provisions of the *Regulations for IntraLATA 1+/0+ Equal Access Presubscription* are hereby ordered by the Commission.

4. All entities subject to the provisions of this Order and the *Regulations for IntraLATA 1+/0+ Equal Access Presubscription* shall take all actions required by this Order and the *Regulations for IntraLATA 1+/0+ Equal Access Presubscription*.

5. This order shall be effective immediately.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
April 25, 1996

/s/ JOHN F. SCHWEGMANN
JOHN F. SCHWEGMANN, CHAIRMAN
DISTRICT I

Irma Muse Dixon. Abstained
IRMA MUSE DIXON, VICE-CHAIRMAN
DISTRICT III

/s/ C. DALE SITTIG
C. DALE SITTIG, COMMISSIONER
DISTRICT IV

/s/ DON OWEN
DON OWEN, COMMISSIONER
DISTRICT V

/s/ ROSS BRUPBACHER
ROSS BRUPBACHER, COMMISSIONER
DISTRICT II


SECRETARY

LOUISIANA PUBLIC SERVICE COMMISSION

**REGULATIONS FOR INTRALATA 1+/0+
EQUAL ACCESS PRESUBSCRIPTION**

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SECTION 201 - DEFINITIONS

1. **1-PIC-** A Presubscription method in which an end user presubscribes with a single carrier to carry all InterLATA and IntraLATA calls without the use of access codes.
2. **2- PIC-** A Presubscription method in which an end user has the option to presubscribe with a single carrier to carry both InterLATA and IntraLATA calls, or two separate carriers to carry InterLATA and IntraLATA calls without the use of access codes.
3. **Limited/Modified Two-PIC-** A Presubscription method in which an end user's intraLATA calls are limited to his/her InterLATA carrier of choice or his/her LEC without the use of access codes.
4. **Commission -** The Louisiana Public Service Commission (LPSC).
5. **Competitive Access Provider (CAP) -** A telecommunications services provider offering and/or providing only exchange services or private line services in a local service area.
6. **Competitive Local Exchange Carrier (CLEC)-** A telecommunications services provider, except a CAP, offering and/or providing local telecommunications services in competition with an ILEC.
7. **End User-** Person or entity who uses and pays for telecommunications services and does not resell it to others.
8. **Exchange Area-** A geographic area established by a telecommunications services provider consisting of one or more central offices together with associated facilities used in furnishing local telecommunications services within the area in which telecommunications services and rates are the same.
9. **Equal Access -** Accessibility to intraLATA and interLATA long distance carriers without dialing an access code.
10. **Incumbent Local Exchange Carrier (ILEC) -** A telecommunications services provider that is the incumbent and historical wireline provider of local telecommunications services within a local service area as of the effective date of these Regulations, and any intrastate regulated affiliate or successor to such entity which is engaged in the provisioning of local telecommunications services.
11. **Interexchange Carrier (IXC)-** A telecommunications services provider of interLATA telecommunications services.
12. **Interexchange Telecommunications-** Telecommunications traffic that originates in one exchange area and terminates in a different exchange area regardless of the service or facilities used to originate and terminate traffic.

13. **Intraexchange Telecommunications**-Telecommunications traffic that originates and terminates within the same exchange area regardless of the service or facilities used to originate and terminate traffic.

14. **InterLATA** - Telecommunications services that originate in one and terminate in another local access and transport area (LATA).

15. **IntraLATA** - Telecommunications services that originate and end in the same local access and transport area (LATA).

16. **Local Access and Transport Area (LATA)**- One of 161 geographic areas in the United States in which a LEC may offer telecommunications services.

17. **Local Exchange Carrier (LEC)** - A telecommunications services provider offering and/or providing local telecommunications services.

18. **Local Optional Service (LOS)** - Forty mile 7 digit local calling area established in Order No. U-17949-N.

19. **Local Service Area** - The geographic area in which end users may place telephone calls without incurring toll charges which includes a flat rate calling area. The Local Service Area of a CLEC may be different from the Local Service Area of an ILEC. Nothing in this definition shall preclude the provision of toll service within the expanded Local Optional Service Area as described in Order No. U-17949-N, dated October 18, 1991.

20. **Local Telecommunications Services**- Telecommunications services traditionally provided by an ILEC as a local service, including, but not limited to, exchange access services, private line services, basic local services, and public pay phone services.

21. **Primary Interexchange Carrier (PIC)**- A primary, presubscribed interexchange carrier is a long distance company. The PIC is identified by a code number which is assigned by the LEC to the telephone numbers of all subscribers to that carrier to ensure that calls are routed over the correct network.

22. **Presubscription** - A procedure by which an end user may designate one or more interexchange carriers to carry his/her switched intraLATA and interLATA toll calls without the use of an access code.

23. **Telecommunications**- The bi-directional transmission of information of the user's choosing between or among points specified by the user, including voice, data, image, graphics and video, without change in the form or content of the information, as sent and received, by means of an electromagnetic and/or fiber optic transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of

such information) essential to such transmission.

24. **Telecommunications Service-** The offering and/or providing of telecommunications for compensation or monetary gain to the public, or to such classes of users as to be effectively available to the public regardless of the facilities used to transmit the telecommunications services.

25. **Telecommunications Services Provider -** A generic term used to refer to any person or entity offering and/or providing telecommunications services for compensation or monetary gain.

SECTION 301- OBLIGATION TO PROVIDE EQUAL ACCESS

Each LEC shall provide IntraLATA equal access and Presubscription for IntraLATA interexchange telecommunication services pursuant to the terms and conditions of these Regulations.

SECTION 401 - INTRALATA CALLS NOT SUBJECT TO PRESUBSCRIPTION

A) For each LEC exchange, IntraLATA calls shall not be subject to Presubscription if they originate and terminate within the LEC's Local Service Area, as defined in the LEC's tariff. Calls that originate or terminate outside the Local Service Area, but within the LEC's LOS area, whether or not rated as local, are subject to Presubscription. These regulations are not meant to in any way modify Louisiana Public Service Commission Order U-17949-N.

B) The following calls shall not be subject to Presubscription: 911, 411, N11, local repair and calls using 500, 700, 800, 888 and 900.

C) O- calls shall be provided pursuant to the Commission's September 23, 1993 Order U-17957-C, until modified or superseded by subsequent orders.

SECTION 501- IMPLEMENTATION

A) Within 60 days of the effective date of these Regulations, all LECs shall file with the Commission a list of their exchange offices by exchange. For each such office, the LEC shall provide:

- 1) the manufacturer, model, software generic in use, installation date, and any anticipated

replacement dates for switch(es) installed at each exchange office;

2) a detailed analysis of whether the switch(es) can accommodate 2-PIC software, including the factual basis for such position; and

3) if the switch can not accommodate 2-PIC software, a detailed analysis of whether the switch(es) can accommodate modified 2-PIC software, including the factual basis for such a position.

B) The Bell Operating Company currently providing Local Telecommunication Services in Louisiana, BellSouth Telecommunications, Inc., shall, within 30 days of the earlier of the grant of authority to provide interLATA service under 47 USCA 271 or three years from the enactment of the Telecommunications Act of 1996, file with the Commission a list of offices capable of handling 2-PIC Presubscription. 2-PIC Presubscription shall be provided within 30 days of the earlier of the date of authority to provide interLATA service under 47 USCA 271 or three years from the enactment of the Telecommunications Act of 1996 in all of those exchanges capable of immediately accommodating 2-PIC Presubscription. All exchanges must be converted to 2-PIC Presubscription within 6 months of the earlier of the grant of authority under 47 USCA 271 or three years from the enactment of 47 USCA 271.

C) All ILECs operating in Louisiana other than the Bell Operating Company:

1) shall within 90 days of the effective date of these Regulations file with the Commission a schedule implementing the 2-PIC system at each of their exchange offices that can accommodate the 2-PIC system within the following time limits:

a) 50% of the exchange offices must be converted to 2-PIC Presubscription within 12 months of the effective date of these Regulations;

b) 90% of the exchange offices must be converted to 2-PIC Presubscription within 18 months of the effective date of these Regulations;

c) All of the exchange offices must be converted to 2-PIC Presubscription within 24 months of the effective date of these Regulations.

2) shall within 90 days of the effective date of these Regulations file with the Commission a schedule for converting such exchange offices which can not accommodate the 2-PIC system. Implementation of the Limited 2-PIC Presubscription System shall adhere to the following time limits:

a) 50% of the exchange offices must be converted to 2-PIC Presubscription within 12 months of the effective date of these Regulations;

b) 90% of the exchange offices must be converted to 2-PIC Presubscription within 18 months of the effective date of these Regulations; and

c) all of the exchange offices must be converted to 2-PIC Presubscription within 24 months of the effective date of these Regulations.

3) that cannot accommodate either the 2-PIC or limited 2-PIC software shall propose a schedule for replacing the switches at each substation to switches compatible with 2-PIC software. All such switches shall be replaced prior to December 31, 1998.

D) All facility based CLECs shall implement the 2-PIC system within 90 days of certification as a Telecommunications Services Provider.

SECTION 601- SUSPENSIONS AND MODIFICATIONS

A Local Exchange carrier with less than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide may petition the Commission for a suspension or modification of a request or requests of the obligation to provide dialing parity through 2-PIC intraLATA Presubscription. The Commission, after a hearing, may grant a suspension or modification for such duration as the Commission determines that such suspension or modification-

(A) is necessary-

(1) to avoid a significant economic impact on users of telecommunications services generally;

(2) to avoid imposing a requirement that is unduly economically burdensome; or

(3) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.¹²

The Commission shall act upon any petition filed under this section within 180 days after receiving such petition. Pending such action, the Commission may suspend the enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers.

SECTION 701- CUSTOMER NOTIFICATION AND PRESUBSCRIPTION CHARGES

A) For each LEC exchange that provides 2-PIC or Limited 2-PIC Presubscription as of the effective date of these Regulations, the LEC shall provide written notice to its customers of the availability of Presubscription, as follows:

¹²As provided in 47 USCA 251(f)(2).

1) The notice as outlined in Appendix A shall be provided to existing customers as a bill insert at least 30 days prior to the implementation of Presubscription in their exchange.

2) For new customers requesting service between the time notice is distributed pursuant to Section 701(A)(1) and presubscription implemented, notice shall be provided at the time the customer requests new service. Each LEC shall provide the Commission staff with a script used for informing customers of intraLATA presubscription for approval at least 30 days prior to introduction of intraLATA presubscription in an exchange.

3) The notice shall describe Presubscription, the customer's choices, how to select among the presubscription choices, and any related charges in a manner that does not attempt to influence customers regarding their selections.

4) Information regarding Presubscription options for intraLATA service shall be printed in the white pages of the LEC's telephone book.

B) For all new customers requesting service after intraLATA presubscription is implemented in their exchange, notice shall be provided at the time the customer requests service. Each LEC shall provide the Commission staff with the script used for informing customers of intraLATA presubscription for approval at least 30 days prior to introduction of intraLATA presubscription in an exchange. The notice shall describe Presubscription, the customer's choices, how to select among the Presubscription choices and any related charges in a manner that does not attempt to influence customers regarding their selections.

C) For all new customers in all LEC exchanges where interLATA and intraLATA Equal Access Presubscription will be provided concurrently, customers shall be asked to select both an interLATA PIC and an intraLATA PIC.

1) The customer service representative shall inform the new customer that the customer can select from a number of carriers for presubscribed interexchange service, and that the same carrier need not be selected for presubscribed interLATA and intraLATA service. The customer service representative shall describe the available Presubscription choices in a manner that does not attempt to influence customers regarding their selections.

2) The representative shall offer to provide the names of carriers serving that office in random order, providing the telephone numbers of each. The representative shall not solicit the customer for any carrier's interexchange services.

3) Each LEC shall provide the Commission staff with the script used for informing customers of intraLATA presubscription for approval at least 30 days prior to implementation of intraLATA presubscription in an exchange.

D) Each LEC shall allow customers to change Presubscription selections once at no charge within

twelve (12) months following implementation of Presubscription consistent with these Regulations. Customers shall retain their existing IntraLATA dialing arrangements as of the effective date of these Regulations until they make such Presubscription selections, and may change their selections at any time. Procedures for intraLATA and interLATA selection changes and any applicable charges shall be tariffed and approved by the Commission. In no event will the intraLATA PIC charge be higher than the allowable interLATA PIC charge. LECs shall impute the PIC change tariff charge to itself.

E) Within 60 days of the expiration of the first twelve(12) months following implementation of these Regulations, LECs shall provide to the Commission a report tracking the monthly costs of changing Presubscription elections.

SECTION 801- PRESUBSCRIPTION COST RECOVERY

A) Each ILEC shall recover reasonable separated intrastate costs limited to initial incremental Presubscription costs and initial incremental expenditures for hardware and software related directly to the provision of intraLATA equal access that would not be required absent the implementation of Presubscription consistent with this Order. Cost recovery will also be allowed for reasonable administrative costs occasioned solely by the implementation of these Regulations. Recovery of all such costs shall be subject to Commission approval.

B) Costs shall be recovered through a Commission-approved switch access per minute of use charge applied to all originating switched access minutes generated on all lines presubscribed for intraLATA toll service. This charge shall be ILEC specific and based on initial incremental expenditures and reasonable administrative costs as approved by the Commission.

C) Each ILEC incurring recovery costs shall amortize all separate intrastate presubscription costs over a four (4) year period.

D) Each company recovering costs shall submit to the Commission an annual report documenting all costs incurred and extent to which costs have been recovered. After the four year amortization period, a cost review and "true up" will occur. Those ILECs which have over recovered shall refund the overcharge and interest based on the judicial interest rate plus 2% to existing customers over a twelve month period. Those ILECs which have under recovered shall petition the Commission to extend their recovery period. A hearing shall be held and a determination made as to the validity of the petition.

SECTION 901 - DISCLOSURE AND INFORMATION REQUIREMENTS

A) Each LEC shall provide the following information to all IXC's eligible to provide presubscribed intraLATA service:

- 1) Within 90 days of conversion, Presubscription conversion schedules;**
- 2) Within 90 days prior to conversion, ordering procedures, terms and conditions for the IXC to be eligible for Presubscription;**
- 3) Within 15 days of a written request from an IXC eligible to provide interexchange service in this exchange, customer lists to be used only by the IXC in connection with Presubscription solicitation. Customer lists shall be provided upon request for a period of six months prior to and six months after the implementation of Presubscription in an exchange.**
- 4) Lists of new customers shall be provided periodically in response to requests by an IXC that has established eligibility for customer Presubscription, but no more frequently than once every three months.**

B) Each LEC shall serve all Presubscription tariff filings, waiver petitions, and extensions of time petitions on all IXC's currently purchasing access for IntraLATA Presubscription from the LEC in the affected exchange(s) and on all other entities that have requested such service.

SECTION 1001 - MISCELLANEOUS

A. If a court of competent jurisdiction finds any provision of these Regulations to be invalid or unenforceable as to any Telecommunication Services Provider or circumstance, such finding shall not render that provision invalid or unenforceable as to any other Telecommunications Service Provider or circumstance. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of these Regulations in all other respects shall remain valid and enforceable. In addition, in the event any provision of these Regulations is stayed in connection with a judicial review of these Regulations, the remaining provision of these Regulations shall remain valid and enforceable.

B. Failure to comply with any provision of these regulations shall result in a fine of not more than \$10,000 per violation and/or revocation of that Telecommunication Service Provider's certification to provide telecommunications services in this state.

APPENDIX A

Effective _____, in response to a decision by the Louisiana Public Service Commission and under mandate of federal law, other telephone companies may compete with _____ (enter LEC name here) by offering their services for short haul long distance calls and/or local toll calls inside your Local Access and Transport Area (LATA). Due to the need to convert existing systems, this statewide implementation will be gradual, beginning on _____.

After in place, you may continue to use your current carrier for these services or choose another company. No action is necessary to keep your current carrier. However, you may receive information from other long distance carriers marketing their services. If you want to select another company to handle your intraLATA toll calls, you should contact that company anytime after _____. The first change within 12 months of implementation of this service in your exchange will be free. There may be a charge for each subsequent change you make in intraLATA long distance service.